

A TRUE  
RELATION  
OF THE  
Illegal Proceedings  
OF THE  
SOMER-ISLANDS-COMPANY  
IN THEIR  
COURTS at LONDON:

And the like done by their GOVERNOUR  
Sir JOHN HERDON Knight, and his Council, in the  
SOMER-ISLANDS.

In all Humility presented to the Honourable Knights,  
Citizens and Burgeses Assembled in PARLIAMENT.

Craving from them to be Relieved from the following  
OPPRESSIONS.

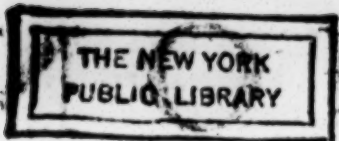


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L O N D O N.

Printed in the Year, 1678.

THE



LIBRARY

Proceedings of the

Annual Meeting of the

Board of Directors

of the

City of New York



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**The Arbitrary Proceedings of the Governour and Company of the City of London for the Plantation of the SOMER-ISLANDS, and the like Arbitrary Proceedings of their Governour Sir John Heydon Knight, in the SOMER-ISLANDS.**

I.  T is well known that a Member of the aforesaid Company did purchase 20 Shares of Land of the late Right Honourable Robert Earl of Warwick for ever, lying in the Somer-Islands, as by Deed bearing date the 22d of Feb. 1658. And the said Member had for Confirmation of the said Lands, the said Companies Legal Seal, which by the said Companies 117 Law printed, doth positively say, shall be a sufficient evidence for the said Lands; the said Law printed, followeth *verbatim*.

*All Grants from the Company of mens private Lands in the Somer-Islands shall pass under the Common Seal, which shall be sufficient evidence for the said Lands, &c.*

II. THE said Company made a final Order in reference to those Lands the fourth of March, 1673, that the said Member shall for ever enjoy the said Lands from that day, in these words following, *verbatim*.

*AND lastly, It is ordered that the said Perient Trott may and shall for the future peaceably and quietly have, hold and enjoy the said 20 shares of Land, with all the Common Lands thereunto belonging, and the yearly profits, till any pretender or claimer whatsoever to the said 20 shares of Land, or to any part or parcel of them, shall shew and prove a better and more legal Title than the said Perient Trott hath, by due process of Law in the said Islands, according to the fundamental Laws and Orders of the said Company: which respective Orders before mentioned, we the said Governour and Company of the City of London, for the Plantation of the Somer-Islands, do strictly order, require, and command you, the said Governour, Councel, and Sheriff, in the said Islands, that you be careful, active, and observant in the due execution of the premises, as you will answer the contrary at your peril. Attested by Mr. William Minors Secretary, and Mr. Richard Lee his Clark, and Cor. White Secretary.*

III. AND according to the aforesaid Order of the Company, the Governour and Sheriff in the said Islands did give to the said Perient Trott



Trott the possession of all the said 20 shares of Land, by the usual custom of that place, by *Turfe* and *Twig*, 1674, attested by *Cornelius White*, Secretary of the *Somer-Islands*.

IV. BUT notwithstanding what was acted aforesaid; yet the said Company afterward did fix their Legal Seal to an Instrument, dated the 12th of August, 1675, to give away the said 20 shares of Land, without due process of Law, in these words following, *verbatim*.

*Which said shares this Court hath since thought fit upon a full hearing the Cause on both sides at a Court held the 14th day of April, 1675, to adjudg to the said Claymant the said Lands.* That Untruth the Company fixes their Legal Seal unto, to aver, *That at a full hearing of the Cause on both sides*, when it is well known, that at the same Court, the said *Perient Trott* brought two learned Councillors (namely *Mr. Robert Offley*, and *Mr. John Hoult*), who protested against the Jurisdiction of their Court; and that the Cause lay not before them in their Court, (it being none of his Majesties Courts of Judicature); but the Cause ought to be tryed in the *Somer-Islands*, where the Lands do lye, &c. And for those Reasons would not enter into the Merit of the Cause.

V. BUT the Council in the *Somer-Islands* (being just Men, and well known in the Law), would not execute the Companies Arbitrary Commands, without a tryal at Law by a Jury, as appeareth on Record, attested by *Cornelius White*, Secretary of the *Somer-Islands*.

VI. BUT as soon as the Company heard that the Council would not execute their Arbitrary Order, they did forthwith put out several of the aforesaid Councillors out of their places, that would not consent to the giving away the aforesaid 20 shares of Land, and put in other men that would, and did do it (without due process of Law), notwithstanding all the formalities of the Law was observed aforesaid; and they did give order to put three Gentlemen into the possession of the said 20 shares of Land, as appeareth on their own Records in *Letter-book*, fol. 216 & 247. And the said Company made such an Order, though their own Laws forbid them to put any thing to the question (or vote) against their standing-Laws, as by their 28 Law following, *verbatim*.

THE Governour, he is to propound, and put all things to the question which the Court requires; the same not being contrary to His Majesties Letters Patents, or Instructions, or to the standing-Laws and Orders of the Company, under pain of being immediately put from his Office, if he refuse; in which case the Deputy shall do it under the like pain; and if he refuse, then any of the Assistants there present.

AND although that Law was quoted by some Members of the Company to *William Webb Esq*; then the present Deputy-Governour, 1675; that



that he could not (by the purport of that Law) put any thing to the question for passing away the said Lands, in regard the said Mr. *Trott* had the Companies Legal Seal for all the said Lands 16 years before that; and after that Sir *Robert Clayton* had their Legal Seal for part of the said Land also; and the Company say in their 117 Law, that their Legal Seal shall be sufficient evidence for the said Lands aforesaid: Notwithstanding those two Laws was quoted to the said *William Webb* Deputy, yet he did put it to the question for passing away the said 20 shares of Land, and that Court did give away the said Lands without due process of Law, as appeareth on Record, 1675; attested by *Cornelius White*, Secretary of the *Somer-Islands*.

VII. And furthermore the said Company, since the former Order made by them, 1675, in their Court (Sir *Gilbert Gerard* being Deputy) in *October*, 1676, did send a general Letter, directed to the Governour, Councel, and Sheriff in the said *Somer-Islands*, ordering of them there to put three Gentlemen into the possession of the aforesaid 20 shares of Land (without due process of Law), admitting the said three Gentlemen to subscribe the said General Letter to give themselves possession of the said Lands, as appeareth on Record in the Companies *Letter-book*, fol. 216, 247. witness Mr. *Richard Banner* their Secretary.

The Gentlemen that subscribed the said General Letter, were Sir *GILBERT GERARD* Deputy.

B.	D.	F.
M.	<i>Geo. Waterman.</i>	<i>Humphry Meverell.</i>
H. Sir	J. T.	B. <i>Rich. Chadler, Junior.</i>
<i>Tho. Garford.</i>	<i>Rich. Chandler.</i>	<i>John Wiseman.</i>
<i>Edward Waller.</i>	<i>John Chandler.</i>	<i>Henry Dandy.</i>
<i>Nath. Letten.</i>	<i>John Browning.</i>	<i>Hugh Nodan.</i>
	<i>Samuel Smith.</i>	<i>John Skinner.</i>
		<i>Rich. Beecham.</i>

AND all the aforesaid 21 Gentlemen are Assistants, except two, B. and *Edward Waller Esq*; the Company indeed being gone to live in the *Somer-Islands*, that oweth near three-fourths of all the said Lands in the *Somer-Islands*, as at large will appear in the following Narrative.

AND it is further humbly conceived, that those 21 Gentlemen Subscribers aforesaid, would have judged it hard measure, if other men had given away their Lands or Goods from them, without due process of Law, as they have done other mens; and at the same time they had forgotten the Golden rule given by Christ, *To do to others, as they would be done unto.*

VIII. AND the said Company ordered the razing out of the Records both



both in *England* and in the *Somer-Islands*, that shewed the Titles to those Lands, as by their own Record appeareth, *Lib. K. fol. 9, 10.* Attested by Mr. *Richard Banner* their Secretary.

IX. AND the foresaid Companies Governour, Sir *John Heydon*, by name, in pursuance of the aforesaid Order on *March 28, 29, 30, 31.* and *April the 1st, 1677*, did order one *John Brisflow* Senior, the said Governours created Sheriff, contrary to the usual custom of the *Islands*, that when a Sheriff dieth, another Sheriff is chosen out of the Councel, (which rule was not observed); but the said created Sheriff did by force and violence break open the doors of several Houses Tenanted by several Tenants in the said *Island*, and did by force thrust out the said Tenants, and several other men and women, out of the said Houses and Lands, who kept the possession of the said Houses and Lands belonging to their lawful Landlords, notwithstanding there had been no due process of Law for the obtaining the said Lands; and gave away the said 20 shares of Land to one *William Milborne*, alias, the Attorney of three Gentlemen, contrary to all Law or President; Attested by *Henry Tucker*, Secretary of the *Somer-Islands*.

THOUGH at the same time the said *William Milborne*, alias, was appeached by several men for speaking of treasonable words against his Sacred Majesty, calling of him Knave, if he did not pay his Debts; and the said *Milborne* further said, *That if he had a Dog that looked like his Majesties picture* (though pictured in all his Royal Robes, the which said picture the said *Milborne* pointed at, where it hang'd in a Room where he was) *he would hang him*, of which there is several *Affidavits* come over from the said *Islands* confirming the same.

AND yet for all that the said *Milborne* spoke such treasonable words against the King, the said Governour Sir *John Heydon*, by his casting voice against the mind of his Councel, continued the said *Milborne* one of the Councel; though the said Governour not long before that time had endeavoured to take away the life of a man (in the said *Islands*), but for saying his Majesty in *England* did connive at the QUAKERS there, and why not the Governour in the *Somer-Islands* here? So partially doth the said Governour govern in the said *Islands*, as will be proved in many more particulars. Let there be a Commission sent over to the *Somer-Islands*, according to the 47 & 179 Law of the said Company, which saith positively *verbatim*,

*By sending over a Commission to the Islands, to examine the Misdemeanours of the said Governour, in the time of his Government, &c.*

THE said Company hath acted contrary to their written Law, as it follows *verbatim*.



At a Quarter-Court the 24th of June, 1629, verbatim.

*IT was this day ordered according to the motion of the last Preparative-Court, That all such who shall hereafter propound any share of Land to be assigned, and set over in Court to any new Adventurer or others, shall first pass away the same by deed indented under their Hand and Seal; and afterward cause the same to be produced and shewed forth in open Court, whereby it may appear that the said share or shares of Land so set over, are clearly and truly without any sinister respect to be passed over; and that in such case also, the party assigning shall at the same time manifest his or their Title for the said Lands by deed, under the Companies Seal, or otherwise the party also to be admitted shall take out his evidence for the said Land in his own name under the Legal Seal of the Company, if the same have not been formerly granted, before he be admitted to have voice, and sit in Court, as being a means to avoid those inconveniences which heretofore troubled the Company, by admitting titular men, who indeed have been no true owners of Land.*

AND have not the said Company acted quite contrary to their own Law aforesaid, in not proceeding on gradually by those steps, before they admitted three Gentlemen to sit and vote in Court; and because they were not capable to be so admitted (the said 20 shares being other mens Lands by Law), the said Company voted them in, contrary to all Law and President.

AND in what they have done contrary to their own Laws, so they have acted quite contrary to the Laws of England also; the great Charter made in the 9th year of King HENRY the Third, and confirmed by King EDWARD the 1st in the 25th year of his Reign, Chap. 29.

*NONE shall be condemned without tryal; Justice shall not be sold or deferred; no Free-man shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or Free-customs, or be out-lawed or exiled, or any other ways be destroyed; nor we will not pass upon him, nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land; we will not sell to no man, we will not deny, or defer to any man, Justice or Right, Stat. 2. Ed. 3. 8. Stat. Ed. 3. 9. Stat. 14. Ed. 3. 14, 25. Ed. 34. Stat. 11. R. 2. 10. Inst. 45.*

THE aforesaid being the expresse words of the Laws of England, taken out of MAGNA CHARTA (and many more Statutes that might be quoted if need were), being the subjects Birth-right: In all humility, how dare the pretended Company act as they have done aforesaid? And in the following Narrative, to vote mens Lands, Goods, Moneys, and Estates away from them without due process of Law? Set aside this, the Arbitrary power they have so long used, and have exercised (uncontrolled) have so encouraged them to do any thing (though never so much contrary to Law), as if there were no King in this our Israel, which God forbid while the Sun and Moon endureth, Amen.



XII. THE said Company did let a Lease of the Whale-fishing in the *Somer-Islands*, 1669, for 99 years ; and yet lately by the Order of the aforesaid 21 Gentlemen, they have seized on all the Whale-fishing materials in the said *Island*, bought by the Leasees money, and forbid the Whale-fishing, and seized on all the spermacely, belonging of right to the Leasees, to the value of several 100 pounds sterling, though the said Company have no interest in the Whale-fishing, but only one twentieth part of the said spermacely for Rent, as by the Lease appeareth at large.

XIII. THE said Company have seized on Ships and Goods, both in *England* and in the *Somer-Islands* (without due process of Law), as by their own Records, *Lib. 1. fol. 20, 21.* witness Mr. *Samuel Dike*, Mr. *Tho. Leach*, and several others.

XIV. THE said Company have given away other mens Lands without due process of Law, as by their own Records, *Lib. 1. fol. 132.*

XV. THE said Company did expel one Mr. *Robert Steevens* out of their Courts, and fined him 50 *l.* sterling, and seized on his Lands, for refusing to take his Oath against himself, as by their own Records, *Lib. 1. fol. 14 & 35,* proved before the Committee of Parliament.

XVI. THE said Company the 3<sup>d</sup> of *May*, 1676 (as by their own Records, *Lib. 1. fol. 135,*) did refuse to admit Mr. *William Sheeres* into the Court, though Heir to his Fathers Land, contrary to the express words of the Charter, which positively commands the Company to admit every Owner of one share of Land freely the next General Court after requesting the same to be admitted ; and also ought to be admitted by the second Law of the Company, in these words *verbatim*, **NOR DENIED OR DELAYED.**

XVII. THE said Company seized on the Ship *Friendship*, *John Alder* Master, 1670, and forced him to pay unto them 235 *l.* sterling (without due process of Law), as by their own Records, *Lib. 1. fol. 18.*

XVIII. THE said Company have ordered the seizing of many *Negroes* in the said *Island*, that was lawfully bought by the Inhabitants in the *Somer-Islands* ; and also fined several hundred pounds sterling upon the said Inhabitants (without due process of Law), as appeareth on their own Records.

XIX. Furthermore, Pray take notice that a Member of this Company did lately appeal to a Quarter-Court, about some Lands in Controversie, by vertue of the Companies 87 Law, which saith positively *verbatim*.

IF any man find himself aggrieved by a lesser or ordinary Court, he may appeal to a great and Quarter-Court, where the matter shall be heard and finally ordered ; yet the Deputy of the said Company, Sir *Gilbert Gerard*, put it to the question against the express words of the Companies 28 Law, which saith positively, *That the Deputy shall put nothing*



to the question against the standing-Laws and Orders of the said Company. Yet the said Deputy put it to the question whether the aforesaid 87 Law should be obeyed; or whether the said Member should be heard or not heard, according to that Law, what he had to say.

XX. AND Mr. Richard Banner their Secretary was desired by the aforesaid Member to take notice how the said Company had voted against their own Laws; and he answered, *That he never took any notice of any Negatives*; though he ought (by his place as Secretary) to have informed the Company (before the question was put) that they could not put their own Laws to the question, whether they should be obeyed or not.

XXI. AND further, Pray take notice that one Mr. Samuel Smith Junior (a *Nonconformist*, professing, professed Minister of the Gospel) in open Court, called the said Companies book of Laws SACRED, and yet gave his vote against it and them at the same Court.

XXII. THE said Company have made many Arbitrary By-Laws to take away mens properties from them (without due process of Law) on Record, printed at large, and presented to the Parliament. Though the King in his Charter saith positively, The said Company shall make no Laws repugnant to the Laws and Statutes of this Realm of *England*; yet they have made Laws quite contrary.

XXIII. AS the Masters and Wardens of many Companies in *London* make By-Laws in diminution of the Prerogative of the King, intrenching upon, and usurping to themselves Arbitrary Power over that which is established by Parliament, and by subtile ways levy divers unreasonable sums of money upon young Free-men of the City; the payment of which hath ruined many men, and that causeth the Houses of the City to stand empty; and to the avoiding the oppressions of the Masters and Wardens aforesaid, young Tradesmen have set up shops Westward, and that maketh the Houses little worth within the City; and under specious pretence of common good, is exercised intollerable oppressions on the subject; and under pretence of Order and Government, in conclusion the hindering of Trade and Traffique, and in the end it produceth Monopolies, as learned Judg Cook, *Inst. part 2. p. 540.* So it is with the aforesaid *Somer-Islands-Company*, Monopolizing *1. d. per l.* on Tobacco. But where is the Statute-Law of *England* to warrant the said Company to levy, demand, or receive the same of his Majesties Subjects? For how unreasonable is it to set such a Tax on Tobacco, when other Plantations Tobacco is sold but for three-halfpence a pound above the Charges, and *Bermudoes* Tobacco (by the Companies Law) must pay *1. d. per l.* for Duties, when all other Tobacco is freed from that charge: Then how can the *Bermudoes* Merchants live by such a Trade, is left to the Wisdom of the Parliament to determine.



XXIV. THE said Company would take no notice of a Charge exhibited against the Governour Sir John Heydon in the *Somer-Islands*, though their 47 Law saith, *If there be any fame against any principal Officer, they ought to take notice of the same*; and the same was put in against him by a Member of the Company to the principal Assistants, and afterward to the Company, because the principal Assistants refused to take any notice of it, That the said Governour had admitted strangers Ships to Trade to and from the said *Islands*, contrary to several Acts of Parliament, to the great damage of his Majesty in his Customs; but the said Company would take no notice of the same, though by their 32 Law they were bound to take notice of it; the Law *verbatim*, following.

*T H E Governour shall assemble the principal Assistants, whom the Court shall particularly Assign to assist him upon all weighty occasions, requiring serious deliberation, and shall have a care with them, the Lords of his Majesties Privy-Council be acquainted with all matters of extraordinary and greatest importance concerning the State.*

But instead of taking notice of that Law, and the Charge aforesaid put in against him, the said Company did break their 129 Law, that saith positively *verbatim* following,

*That no man shall be Governour in the Somer-Islands (upon no occasion) above six years together; and yet they did continue him in Governour above seven years together, and after that broke their 129 Law aforesaid, and chose him in Governour three years longer, though he neither observeth his Majesties Laws, nor the Companies, as will appear in this Narrative at large.*

XXV. AND the said Company for the better carrying on their designs aforesaid, Sir Charles Pym (a worthy Gentleman) dyed possessed of 10 shares of Land in the said *Islands*; and since that time his Executors, whereof Sir Gilbert Gerard Deputy, and Brother-in-law to the said Sir John Heydon was one, have brought into the Court 8 or 9 several new Members by vertue of those Lands, supposing only to make votes, because not one of them is a Trader to the said *Islands*.

XXVI. I T is well known, that several Members in this Company did sue their Tenants in the said *Islands* for Rents, that had turned Tenants to other persons living both in *England* and in the *Sommer-Islands*, who did by a Jury there recover both Lands and Rents; and the Tenants appealed for *England*, but did not prosecute their Appeals according to the laws of the Company, but the Plaintiffs resorted to the Company in *England* to be relieved according to their own laws; but they have refused to give any relief for near four years together, though often desired. Witness to this, William Minors, and Richard Banner, both Secretaries.

AND



A ND the true reason why they will not give any relief, is because by their so doing they make the said Tenants ( in the said Islands ) stand fast to others, that they might enjoy the lands of other men, contrary to all law, and not pay the Rents due to the right Owners thereof.

XXVII. THE Governour, Sir *John Heydon*, in the said Islands, denied to grant any Executions to be taken out there against the said Tenants ( though a Verdict hath been obtained by a Jury of 12 men ) or to give any relief therein, though by the laws of the Company he ought to do it, and denieth it to no others : Witness several *Bermudians*.

XXVIII. THE said Governour on the Bench in the said Islands in open Court, would not admit an Attorney that was suing of a Tenant there, to bring an evidence into the Court to be sworn, to satisfy the Jury, that they might be informed the truth of the matter, to bring in a right Verdict, though the Jury did desire it; and the Attorney in open Court petitioned to the said Governour to admit a Witness or Witnesses to be sworn as aforesaid; but he would not admit it, but at the same time admitted a Lease to be set up that never was proved in Court to be the hand and seal of the party that supposedly signed it; yet the said Governour so acted, though he be bound by his Oath to the contrary, and by the Companies 134 Law, printed *verbatim* following : *It is the Governours Office to have a care of the due administration of Justice to all people, as well in cases Criminal as Civil.*

XXIX. THE said Governour denied the due process of Law in the said Islands, *December* 1676, though several Actions was enter'd against several persons, for Lands, Rents, and Debts; but instead of giving liberty for the actions to go forward ( which is the priviledg of all His Majesties subjects in all his Courts of Judicature, yet ) he denied the prosecution of the Law, and over and over repeated these words, *That he would be sooner torn to pieces by wild horses, than to let the actions go forward.*

XXX. THE said Governour denied the due process of Law in the said Islands, *June* 1677; for there was an Action entered there against a Tenant, and the Tenant confessed the Rent and the Debt to be due to his Landlord, that sued him before the Jury; yet the said Sir *John Heydon* on the Bench denied to grant an Execution to be taken out against the said Tenant, for the said Debt aforesaid confessed, which admits of no delay, because there can be no Appeal in that case.

XXXI. THE said Governour hath refused to call an Assembly in the said Islands near this four years, although by the 140 Law of the said Company, he is bound to call an Assembly once in every two years; and lately the Free-holders in the said Islands did petition to the said



Governour, to call an Assembly, to make known their grievances to King and Company ; and amongst many grievances one was and is, That there is several Officers chosen by the said Company into places of trust in the Island, and into Forts and Castles (the keys of the Islands) who are men of no Estates, and ill affected to Kingly Government, and more grievances that is not fit to mention in time of Wars, &c.

XXXII. AND if the aforesaid Company, and their Governour Sir *John Heydon* be not guilty of what is before related in the Narrative, (and in the Petition lately presented to the Parliament) ; why do they not come forth and disprove the charge put in against them? But if they stand still and be silent, it will be taken for Confession ; and then what unbiaffed person can take their part and not reprove them?

XXXIII. THE aforesaid Writing is in all humility presented to the Consideration of the High and Honourable House of Commons Assembled in PARLIAMENT : Humbly craving of them to be relieved; from those unheard of OPPRESSIONS, done by so few men. And we shall ever pray, &c.

*Signed by PERIENT TROTT and  
WILLIAM RIGHTON, in the behalf  
of themselves and divers others of the Somer-  
Islands-Company in London, and the Free-  
holders in the Somer-Islands.*

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XXXVI. QUESTIONS humbly offered in Relation to the aforesaid 20 shares of Land. Admit that *A. B.* be in the possession of any Lands, though *C. D.* upon the tryal at Law, is found to have a better right to the said Lands than *A. B.* hath, ( and so it was known before any tryal was ), yet *A. B.* cannot be put out of the possession of the said Lands, before there be a tryal at Law by a Judg and Jury, that giveth away the said Lands from *A. B.* to *C. D.* by a Verdict : For if a man kill a man, it is well known, he that kill'd the man must dye for it ; yet he cannot be put to death before he hath a fair tryal before a Judg and Jury.

And further, admit that *A. B.* be bound in a 1000*l.* bond to *C. D.* to abide the award of *E. F.* and that *E. F.* giveth his award to *C. D.* that *A. B.* must pay to *C. D.* a 1000*l.* Can *C. D.* come by the 1000*l.* if *A. B.* refuseth to pay him the 1000*l.* without a due process of Law by a Jury of 12 men : this being the case , Then how can any pre-  
tender



tender whatsoever take away the Lands of *Perient Trott*, or any others, without a due process of Law by a Jury? For take notice, that *Perient Trott*, being meant by *A. B.* was not bound in any Bonds at all in Relation to the resignation of those Lands, but only by verbal promise, as in the Companies Book, *Lib. 2. fol. 251.* the 12th of February, 1667, appears, which part of his reference he was ready to fulfil at the time prefixed, *April. 1668*, had the Right Honourable *Charles Earl of Warwick* fulfilled his agreement to the said reference; but he started from it, in that he neither offered, nor paid the 600*l.* though he lived near seven years after the day prefixed for the payment thereof, 1668; so that with all unbiassed men there is neither Law nor Equity left for the Claimers under the said Earl; for by the Order of Court made the 12th of February, 1667, on Record, it saith positively, That neither the said Earl, nor the said *Perient Trott* should ever be admitted to appear afterwards to any Court more, to be held by the said Company in reference to those Lands: If so, then how can the Family of the *Warwicks*, or any other persons appeal to the *Bermuda's* Courts to be heard, when not only the Family of the *Warwick's*, but also that of the said *Perient Trott* was restrained by the said Order from appealing thereunto. But the Company having also tyed up themselves from hearing or determining any thing further in that affair after the time before prefixed, as appeareth on Record, *Lib. 2. fol. 251.* February the 12th 1677, in these words following, *verbatim*,

*IT was ordered by and with the consent of the Right Honourable the said Earl of Warwick, and Mr. Perient Trott, that this Cause shall be heard at a General Court, to be holden by this Company at the usual place of sitting, on Thursday the 27th of this instant February, at two of the Clock in the afternoon; they the said parties withal declaring their consent, that they shall and will stand to, and abide the determination of the said Court; and that they shall not, nor will appeal therefrom; so the next, or any other Quarter-Court to be holden for this Company: Witness Thomas Marten and William Minors, both Secretaries to the said Company.*

And therefore the Family of the *Warwicks* have no occasion to complain to the Company to have relief, because the default lay on their side, by not paying of the money at the prefixed day the 29th of April, 1668. For had they tendred the 600*l.* aforesaid to Mr. *Trott* that day, and that he had refused to have received it; then they had just occasion to have complained to the Company to have been relieved, and not otherwise.

But suppose the *Dutch*, or any other Enemy had taken the Island in the interval of time from the 12th of February, 1667, to the 29th of April, 1668, within which time the 600*l.* should have been paid; it is very likely had the said Mr. *Trott* made his complaint to the Com-



pany to have had the 600 l. paid to him by the said Earl, it is very likely the Company would have acted then, as they have done since; though the said Mr. *Trott* and others have run the hazard of losing all the said Lands by two *Dutch Wars*, since the purchase of the said Lands; adding thereto, the said Mr. *Trott* for most of the time made not half the Interest of the purchase-money, because the Lands were Leased out before for many years for a small Rent, not expired. But this no way considered by the Company, &c.

But as a learned Judg in *England* well observed, That oppressions would cry aloud, and would travel from Countrey to City, and from Court, to Court, and from Parliament, to Parliament; and would never leave crying, until the oppressed were relieved, and Justice impartially executed; which God say to it, *AMEN.*

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*And to their Governour Sir John Heydon in the Islands.*  
*And to the revolting Tenants in the Islands.*  
*And to William Milborne.*  
*That they may all see their faces in the glass of the Laws of England,*  
*to the end of the Narrative.*



*Questions humbly offered to the Honourable House of Commons, Assembled in Parliament, and to all others, for the better informing of them the Constitution of the Somer-Islands-Company, which is in part set out as followeth, but more at large declared in the Charter.*

XXXV.



THE first Question humbly offered is, Of how many Members do the Government consist of, according to the Patent and Original standing By-Laws? Must there not be a Governour and a Deputy, and twenty-four Assistants? And must there not be six new Assistants first chosen every year?

If so, then there must be Thirty two Members to make the Government practicable by the Charter.

And such a number as Thirty two Members, hath not met at one Court this Thirty two years, except it hath been to give away the Lands from the lawful Owners thereof (that had no right to them by Law), as appeareth by the Companies own Records.

II. How many of the Company are here in London above Thirty-two Members, to make up a General Assembly for making of By-Laws?

*Residers in London* there is not above Twenty Members.

III. If there be not a Company besides the Twenty-six constant Governours, to make up a General Assembly for making of By-Laws;

IV. Then by what right do the said Company challenge a Power over the Estates of several Thousands of *English-men* in the *Bermudas*?

V. How many of the Propriety of Lands have those Members that made that By-Law of 1 d. per l. on Tobacco?

Their Names on Record, February the 9th, 1658.

## PRESENT,

shares of  
land.

shares of  
land.

XXXVI. 1. The Right Honourable }  
Ed. Earl of Manchester } 00  
2. Mr. John Heydon Deputy—10  
3. WILLIAM WEBB, Esq;---03  
4. Mr. Richard Chandler, a }  
Trader— } 01  
5. Mr. Samuel Smith, Clerk—02  
6. Old Mr. Browning--01

07. Mr. Perient Trot, a Trader 04  
08. Mr. Christopher Husley—01  
09. Sir Gilbert Gerard, Baron---01  
10. Mr. William Graves—01  
11. Mr. Pym—10  
12. Mr. John Hinde—01  
13. Mr. Nathaniel Smith—01

Six Voters, and never a Trader, owned 15 shares of Land. Seven Voters, and but two Traders, owned 21 shares.



To the Law made for levying 1 *d.* per l. on Tobacco, there was but Thirteen Voters, and but Two Traders of them, owing but 36 shares Land.

VI. How many shares in the Propriety of Lands have those men that made that Law to seize all ships and goods that should come to the *Somer-Islands* not in the Magazene-ships? Their Names on Record.

XXXVII. At a Court held the 22<sup>d</sup> day of November, Anno 1676.

PRESENT,		shares of land.		shares of land.
1.	Sir Gilbert Gerard, Deputy---	01	9.	H. Sir J. Esq; by law--00
2.	Sir Francis Gerard-----	02	10.	Sir George Waterman, trader-07
3.	Henry Sandys Esp;-----	02	11.	Mr. Rich. Chandler, Trader--04
4.	Mr. John Chandler-----	01	12.	Mr. Hugh Noden, a Trader--01
5.	Mr. Samuel Smith, Senior--	02	13.	Mr. Humph. Meverel, Trader-04
6.	Mr. Henry Dandy-----	01	14.	Mr. Samuel Trot, a Bermu- dian, and a Dissenter } 10
7.	Mr. Sam. Smith, jun.---	01	15.	Mr. Rich. Beecham, a Trader-01
8.	D. E. Esq; by law----	00		

Eight Voters, but no Traders, that owned but ten shares of Land.

Seven Voters, and five Traders, that owned but 27 shares of Land.

So the Law made to seize all ships and goods, there was but fifteen Voters, and but five Traders, all of them owing but 37 shares of Land of the 400 shares of Land that is in the Island, besides the 100 shares more that is common Land, set apart by King James in the Charter, only to maintain the P U B L I Q U E Charges of the said Islands for Ever.

And furthermore, pray take notice, that all the said Fifteen Voters aforesaid, are all Assistants, except one named Mr. Samuel Trot, and he a liver in *Bermudas*, and was a Dissenter. And for the most part all business is carried on by Assistants only that are chosen at Election-day, and so all the Courts are for the most part one and the same members.

AND can such a Court and handful of men so assembled, be truly called the GREAT and SOLEMN ASSEMBLY of GOVERNOUR, ASSISTANTS and COMPANY, according to the true intent and meaning of the CHARTER, as it appeareth more at large in the following Narrative.

AND pray take notice, that the pretended Company do declare by their Secretary Mr. Richard Banner, That all the Members of the COMPANY in England do own but 149 shares of the 400 shares, besides the



the 100 shares of common Land ————— 149

AND in that Account they have given into the Court to be claimed 149 shares of the 400 shares, There is more Land claimed than should be, by such who have no such shares of Land, by these Gentlemen following:

- |   |   |    |
|---|---|----|
| 1. The Right Honourable Robert Earl of Manchester ;   | } | 08 |
| he hath no Land there by Law, but a Trustee for School-land given by Sir Nath. Rich ; but claimeth —————  |   |    |
| 2. Three Gentlemen more that have no Land there by Law, but claim shares —————  | } | 22 |
| 3. Sir George Waterman claimeth eighteen shares to be his, that were all sold to other men by the right Owners before his Majesty returned from Exile ————— |   |    |
| 4. Henry Sandys Esq; claimeth twelve shares, but ten of them his Father, Mother, and himself, have sold away ; so he claimeth too many by —————             | } | 10 |
|   |   |    |

SO then 58 shares must be taken out of the 149 shares of Land ————— } 58 58 shar.

XXXVIII. SO by the Companies own account, of 400 shares, there is owned in *England* but ninety one shares-- } 91 shar.

BUT the reason why the Company give in their Account that 149 shares was claimed in *England*, is because they would mislead the Parliament, that they and all others should think their Interest that are MEMBERS living in *ENGLAND*, to be greater in *Bermudas* than it is.

YET the aforesaid Thirteen Voters at one Court, and Fifteen Voters at another Court, who are residents in and near *London*, all of them owing but Thirty-seven shares of Land of the Four hundred shares, besides One hundred shares of common Land laid out by the Charter to defray the continual *PUBLIQUE* Charges of the Company; which small number (and most times fewer) that do meet at the Courts, would be reputed and looked upon, and challenge and exercise the same power and authority over the members of the Company now, as those 117 persons did to whom *KING JAMES* of blessed memory, granted the *PATENT* first unto; Though with this great and vast difference, That then all the owners of the Four hundred shares of Land, were all living in *ENGLAND*, none of them in the *Somwer-Islands*; BUT since that time near three fourths of the said Four hundred shares of Land, are purchased by the Inhabitants of the *Somer-Islands*, by their great hazard, labour and pains: AND they now being become

far.



far above the MAJOR part both of Persons and Lands, cannot be summoned to the Courts that are kept in ENGLAND, to keep Courts according to the true intent and meaning of the CHARTER, as you may see at large if you please to turn unto the Charter, wherein is expressly set down in these words following, *verbatim*.

XXXIX. *AND* that it is not convenient for all the said Company to be so often drawnt together to meet and assemble, as shall be requisite to have meetings and conference about their affairs: *AND* we do hereby ordain and grant by these presents, That the said GOVERNOUR, Assistants, and Company, shall and may once in every month, or oftner at their pleasure, hold and keep a Court or Assembly for the better ordering and direction of the said Affairs in the said Plantation, and such things as shall concern the same; And that any seven persons of the said Assistants, whereof the Governour or his Deputy to be one, assembled together in such Courts or Assemblies, shall be taken, held and reputed to be a sufficient Court for the handling, ordering and dispatching all such CASUAL and particular occurrences as shall from time to time happen touching and concerning the said Plantation and Company.

*AND* that nevertheless for the handling and disposing of matters of affairs of GREAT weight and importance, and such as shall and may in anywise concern the WEAL PUBLIC or GENERAL good of the said COMPANY and PLANTATION; as namely, the manner of Government from time to time to be used, THE ORDERING and DIVIDING the LANDS and POSSESSIONS amongst the said Adventurers and their Assigns, the ELECTION of Officers, and the settling and establishing of a TRADE, and such like.

That is not Power given them by the King to give away other mens Lands without due process of Law, as the Company hath done.

THERE shall be held and kept every year upon the last Wednesday of Hillary, Easter, Trinity, and Michaelmas Terms for ever, One Great, General, and Solemn Assembly; which four several Assemblies shall be stiled and called The Four GREAT and GENERAL COURTS of the Governour, Assistants, and COMPANY of the Somer-Islands. In all and every such Great and General Courts so assembled, OUR WILL and Pleasure is, and We do for Our Heirs and Successors for ever give and grant unto the said Governour and COMPANY, &c. To have full power and authority to make such Laws and Ordinances for the good and welfare of the said Plantation, as to THEM from time to time shall be thought requisite and meet, SO ALWAYS as the same be not contrary



*to the Laws and Statutes of this Our Realm of England.*

SO it is evident that the Company cannot lawfully exercise a greater Power and Authority over His Majesties subjects in *England*, or in the *Sommer-Islands*, than the King hath granted to them in his Letters Patents afore said, which is expressly set down in those words afore said, *Who are to govern by the Laws and Statutes of the Realm of England, and no otherwise.* And the Governour in the *Somer-Islands* cannot exercise a greater Power there, than the Company hath given to them by the King here; but hath power only given to them to try all Causes by a Judge and Jury, and not power given either to the Company here, or the Governour there, to give away mens Lands or Goods by WILL, to the fulfilling of the Arbitrary Votes of the Company, made by lifting up of hands; And whatever power is exercised more than is given to them by the King in the CHARTER, is ARBITRARY.

XL. Furthermore, it is evident by the purport of His Majesties Grant afore said, That every particular person that is owner of any one share of Land in the said Islands, ought to be warned to them Four Great and Solemn Courts, consisting of Governour, Assistants, and COMPANY; and therefore to that end must live within the verge of a warning, or to be capable to come to the Courts without a warning, that are held in *London*, to give their votes for the management of the GREAT Affairs of the COMPANY afore said, and to approve or disprove the other foregoing Courts consisting of Governours and Assistants for casual Occurrences; which Four Great Courts to be summoned as afore said in *ENGLAND*, cannot now be practicable, because near three-fourths of the Owners of all the said Lands, are livers in the *Somer-Islands*, who are become the HEIRS and LAWFUL SUCCESSORS to them that first purchased the Lands by the Patent; and surely they are most fit and best able to judge how to be governed, being livers in the place where these Lands are, and not the lesser part of the Company in *London*, where there is not above ten Traders to a hundred that are Proprietors of Land, and Traders that are livers in the Island; and all the Landlords that are Owners of land in the *Somer-Islands*, that are livers now in *England*, do not owe Rent Tobacco exceeding the value of 300 *l. sterling*, to be fetched away from thence yearly, who keep such a bussing for them only to set out a Magazene-ship, (as they call it) that have not sent 6 *d.* to the Island as in a joint stock near these 50 years past; and them little interested persons, to give their Edicts and their Laws to all others that are concerned both in *England* and in the Islands, that are far above the number of persons interested both in Land and Trade: So it is evident to common reason,

as.



as it is the judgment of Councillors learned in the Law, That the pretended Company now in *England*, being the *MINOR* part both of persons and lands, cannot in their Courts at *London* make any by-laws to govern the *MAJOR* part by, because the *MAJOR* part of the Owners of all the said Lands, are livers in the said Islands, as aforesaid, and cannot come to the Courts at *London* to give their Vote *Yea* or *No*; and surely the Owners of the said lands being now livers in the said Island, and being the *MAJOR* part, have only a right and lawful power to chuse all Officers, except the Governour, there; and to make by-laws and orders to govern the whole Commonalty by; or else you must grant the *MAJOR* is lesser than the *MINOR*, which is an absurdity.

XLI. AND furthermore, it is the judgment of learned Council, That whatever sums of money the said Company hath levied on all men, and received for Duties or Rents for lands there, since the *major* part of the Owners of all the said Lands became livers there in the said Islands, The said Company or Officers are liable to be sued, and to be accountable to them, and to be made to refund the said sums of money back again.

XLII. BUT as for the Governour in the said Islands aforesaid, he to be chosen by His Majesty, and sent over unto the said Island, to govern that place as well as *Virginia*, *Berbadoes*, and other of His Majesties Plantations are now governed; which places had at first as large Patents from the KING as the *Bermudas* Company had; but since that time it hath been found out by experience. For the Governours to be sent over by His Majesty, was the best way to advance His Majesties Revenue, encourage Trade and Navigation, and to the general content of most men (if not all His Majesties Subjects) in the forenamed places; and why not the *Bermudas* much more so to be governed, seeing Providence hath so ordered it, that most of the Proprietors are become Owners of almost all the lands in the said Islands, who are livers there?

XLIII. AND it is further humbly conceived, it is high time for a Governour forthwith to be sent to the said Islands by His Majesty, if you please but to take notice how the pretended *Bermudas* Company act in their Courts in *London*, and how their Governour Sir John Heydon doth act in the Courts in *Bermudas*, which is in part set down in the foregoing Narrative, Numb. 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 26, 27, 28, 29, 30, 31.

Pray turn to the 49 Law of the said Company, printed *verbatim*.

XLIV. If any principal Officer of the Company here, or Magistrate, or great Officer or Councillor in the *Somer-Islands* shall by the fame of his misdeeds, or particular occasion, merit to be called into question here of being



removed from his place, or otherwise reformed or censured: He shall be first convented and examined by the Governour, Deputy, and principal Assistants, before his Cause shall be produced in publick Court, and in his absence the like course shall be held for his business.

Pray turn also to the 179 Law, verbatim.

The Governour and Company here by order in a Quarter-Court shall once in three years, if they think it so expedient, send or appoint Commissioners for the said Somer-Islands, men fearing God, men of Gravity, Wisdom, Courage and Integrity, uncontroled to examine the Actions, as well of the aforesaid Governour and Council, as of all other Officers, or of which in former times have born office within the said Islands; who also shall have power according to the tenour of their Commission, to proceed to the censuring and reforming of all Delinquents: And the said Commissioners, during the time of their Commission, shall be exempted from any Jurisdiction over them in the said Islands; And of all their proceedings, they shall from thence, or at their return make due Certificate to the Governour and Company here.

Pray turn also to the 129 Law, verbatim.

The Governour shall upon no occasion hold that place above six years together.

Yet notwithstanding all them three wholesom Laws made by the said Company, and many more, at their first Constitution, and that the misdemeanours of the said Governour Sir John Heydon, have oftentimes been complained of to the said Company; yet instead of their calling of him into question for his misdemeanours, they did lately chuse him again Governour for three years longer, as by their own Records it doth appear.

Pray turn to the 6 Law, verbatim.

Every Wednesday fortnight reckoning from the great Courts, shall also be held an ordinary Court for this Company, for dispatch of ordinary and extraordinary business; and it is not to be counted a perfect Court, unless the Governour or Deputy be there, and seven of the Assistants.

And the said Company have not observed the said Courts keeping above this 20 years.

Pray turn to the 61 Law, verbatim.

The Auditors shall keep their meetings once at the least in a week, in Term-time, and oftner if need require; and once every month, at least in the Vacation-times, to over-see the accompts, and to dispatch such other business as shall be committed to them.

But the said Company observeth not that Law neither.

Pray turn to a Law made by the said Company, 1628, verbatim, that is written, and not printed.



Every man that shall adventure to the Somer-Islands, shall load all his Goods in the London Ships set out by the Company, and not in any other Ship, or Ships, but by the Licence of the Company; to the which end there shall be two Ships at the least every year sent forth from hence, in the which two Ships, or any other so set forth, all the Tobacco made in the Somer-Islands shall be loaden, and in no other, and so brought to the Port of London.

But the said Company have set out but one Ship in a year this 38 years last past.

Pray turn to the 102 Law, printed *verbatim*.

In the Quarter-Court in Hilary-Term, all Laws and standing Orders concerning the Company here, shall be publickly read in the beginning of the Court, till such time as it shall seem fit to have them printed.

AND the said Company hath neither printed the Laws they have made, nor read them in any Court these 30 years last past, that their Members, and all others might be informed how to act accordingly.

Pray turn to the 72 Law of the Company, *verbatim*.

THE Secretaries Office is also to be a Remembrancer to the General Courts, and to the Courts of Assistants, for the prosecuting and performing of matters formerly ordered; as also touching motions formerly made, and referred to special Committees, or other further Consideration.

AND did the Secretaries of the said Company perform their Office faithfully (as they ought to have done), when the said William Webb Esq; and Sir Gilbert Gerard Knight, both Deputies of the said Company, put it to the question the passing away the Lands of Sir Robert Clayton, and Mr. Perient Trott, who had for their Lands the Companies legal Seal? Which by the 117 Law of the said Company, they say shall be sufficient evidence for their Lands; And by the said Companies 28 Law, the said Deputies could not put the said Lands to the Question (for passing of them away), being contrary to the standing-Laws and Orders of the said Company; of which both the Secretaries (by their places) ought to have told the said Deputies (and Company also), that they could not put any such thing to the Question for the passing away the said Lands aforesaid; as by that 28 Law that is printed, *verbatim*.

Pray turn to a written Law, made by the said Company at a Quarter-Court the 10th of February, 1629.

NO Alienation, or transferring of any Lands, by any Lease, Mortgage, or other Conveyance whatsoever shall be of any value or force, except the same be inrolled with the Secretary of this Company in a publick Register, within one Month after the date thereof. To the intent that such as shall from henceforth make any purchase of Lands lying in the Somer-Islands, may have recourse to the said Register, to see how the Lands proposed to them to be sold, stand ingaged.

NOW



NOW pray take notice, that *Perient Trott* purchased of the Right Honourable the late *Robert Earl of Warwick* 20 shares of Land, as by Deed appeareth ; As also by his Letter confirming, that he had sold all his Lands that he had in the *Somer-Islands* to the said *Perient Trott* and his Heirs for ever ; the said Deed and Letter bearing date the 22<sup>d</sup> of *February*, 1658 ; and the Right Honourable *Charles Earl of Warwick* laid claim to those very Lands, *Anno* 1667, by vertue of a Deed of Entail, made by the Right Honourable *Robert Earl of Warwick*, the Father of both the said Earls, bearing date the 31<sup>th</sup> of *March*, 1642 ; the which Deed lay silent, and asleep, not known to the said Company, nor to *Perient Trott* the Purchaser, from 1642, to 1667, being 25 years, which Deed should have been inrolled within one Months time after the said Deed was made, as by the said Companies own Law aforesaid appears, or else the Deed was, and is of no validity. So the Deed by which the Claymants pretend a Title unto the said Lands, is of no validity, as in respect of that Law made by the said Company for the aforesaid Registry, although there could have been an Entail on the said Lands lying in the *Somer-Islands*. But the opinion of learned Councel is, That no Lands lying in the *Somer-Islands* can be entailed, as by the Statute *DE DONIS* made long before the Island was found out, appears.

BUT further take notice of the strange actings of the said Company, that though the aforesaid Law saith positively, That no Deed shall be of any validity, unless it be inrolled with the Company within one Months time after the date thereof ; Yet the said Company keepeth not the fortnights Courts, which they are bound to keep by their fixth Law printed ; nor any Court at all, sometimes for two Months together, or longer ; so that it is impossible to reconcile their Actings and their Laws together. And how can any man purchase Lands in the said Islands, and have a good Title to them by their own Laws, if they keep not their fortnight Courts ?

BUT indeed, and in truth ( as it is well observed ) the said Company value not their own Laws made by them, but keep and observe those Laws and Courts only, which shall make a shew of Authority ; the more speciously to give away the Lands of other men, contrary to the fundamental Laws of *ENGLAND* ; and to continue those men in the foresaid Lands, of which they have unlawfully possessed them. And further, to continue Sir *John Heydon* to be perpetual Governour in the *Somer-Islands*, against all Law and Reason, is the CENTER of all the Courts, which the said *Somer-Islands-Company* keep or observe.

NOTWITHSTANDING all the aforesaid wholesom Laws made by  
 B 2 the



the said Company, which Laws informeth all Members throughout *England*, the time prefixed for the said Courts, for them answerably to cast out their business to come to *London* to the said Courts, by the aforesaid Law; yet the said Company for these many years past giveth no obedience to the said Laws, (though oftentimes they have been put in mind to observe them), and for want of those Courts and Meetings, and observing the Members of the Company not knowing of the other extraordinary Courts, when managed (being oftentimes absent in other places) their business is undone, who are *livers* in *England*. And furthermore the Members and Planters that oftentimes come from the *Somer-Islands* to do business at the Courts in *London*, cannot have their business effected neither; but though they come (at a vast charge, and great hazard of their lives) to the end to be relieved by the Company; yet for want of the aforesaid Courts keeping, they are forced to go back again as they came, and have no relief, to the ruin of them and their whole Families.

AND further, Pray take notice, that the said Companies account was stated by their Auditors, *April* the 21<sup>st</sup>, 1676; and they were then clear out of Debt, and money in stock, and the necessary Charges of the Company yearly, is no more than this money following,

IN *England* their Charge is to the Deputy, Treasurer, Secretary, Husband, and Beadle, 20 *l.* per ann. apiece, is 100 *l.* their Court-house, and petty expences 40 *l.* per ann. and 60 *l.* more for Ware-house room and Charges, for taking up their Magazeen-ship (so called) but hath not adventured 6 *d.* this 50 years, all but

200 *l.* per  
ann.-----

FOR *Bermudas*, their Charge is three Ministers, 40 *l.* per ann. a piece, is 120 *l.* For Ammunition, 40 *l.* per ann. Their Searcher at *Bermudas* 10 *l.* per ann. and 30 *l.* more a gratuity given to the Master of the Ship they set out, that he might not Trade in Tobacco, is more,

200 *l.* per  
ann.-----

THAT 400 *l.* per ann. is all the necessary Charges the Company are to be at; and what is spent more, is squandred away, and needless, and extorted from them men that own the Tobacco; admit the levy of 1 *d.* per *l.* was lawful, which is denied to be due by Law.

400 *l.* per  
ann.-----

AND in *July* last, 1677, the said Company did receive Duties out of the Ship *John*, Captain *Math, Norwood* Master, to the value of 720 *l.* sterling.

AND the Charges they will be at for two years the 26<sup>th</sup> of *March*, 1678, is (for both the years) but 800 *l.* sterling; so the Company will be out of purse on the 26<sup>th</sup> of *March*, 1678, but 80 *l.* sterling.



AND they have in their hands several hundred pounds sterling, for *Sperma cete*, come to their hands, that doth peculiarly-belong to the Whale-fishing Adventurers; and no more belongeth to them, but only one twentieth part of the said *Sperma cete*, as by the Lease of 99 years, it is at large expressed, &c. and will be made out before a Judge and Jury.

AND from the beginning of the Plantation (and for near 40 years afterward) as by the said Companies Books it appeareth, the usual custom of the Company was yearly to set such a Tax on Tobacco, when the Ship newly arrived at *London* (from the *Somer-Islands*), as was to defray that present years Charge, and no more; for every back was to bear his own burthen; and they that lived until the next year after, was to go the same way for their wood to burn, if they would have it, or sit a-cold.

Now possibly the said Company will object and say, They must raise money yearly to Fee Lawyers, &c. to plead for them in all Courts (*right or wrong*), to maintain them longer, to govern and act, as they have done in the aforesaid Narrative; and often for them to meet and feast in Taverns, &c. to glue and cement themselves the faster together, to the ends aforesaid. But how just and lawful it is for them so to do, it is left to the unbiaſſed Reader to judge of; and it is hoped they will not find many men to be of their opinion, or like the said COMPANY and their GOVERNOUR Sir *John Heydon*, as appeareth at large in the aforesaid Narrative.

XLVI. Pray take notice that the Companies Council did alledg before the Committee of Parliament, That Mr. *Perient Trott* should order his Son Mr. *Samuel Trott* to forbid the taking in of any Tobacco into the Ship *Samuel*, *Thomas Leach* Master, 1666. That is granted to be true: But he did not do that, until the said Ship had staid in the Island twice 14 days time; and in all that time no Goods was brought a Board the said Ship; and at the end of the first 14 days, the said Company had no right to command the Ship one day longer, but Mr. *Trott* only, who owned all the said Ship. Witness to this *Thomas Leach*, *John Brumage*, *Thomas Ireland*, and several others.

AND that the said Ship was to stay in the Island but 14 days time to unload and re-load, is taken out of the Companies own Records; Attested under the hand of Mr. *Richard Banner* their Secretary.

XLVII. THE said Company produced the hand of the said Mr. *Perient Trott*, where he pleaded, 1663, that no Ship should sail to the *Somer-Islands*, but his Ship called the *Somer-Islands-Merchant*, Captain *John Jenkins* Commander, which Ship long before that time was entertained by the Company, and gone to the *Somer-Islands*, to lye there  
all



all the year, to advance the price of Tobacco, which Ship cost with her setting out near 3000 *l. sterling*.

FOR answer thereto, their producing the said Letter is humbly conceived, an argument against themselves; for although he did write so much, and possibly speak more; yet the said Company did at the same time admit an other Ship, *Philip Lee* Master, to go to the said Island, who returned to *England* again with new Tobacco, before Mr. *Trott's* Ship could return; and one of the late Councillors for the said Company ( Mr. *William Webb* by name ) in open Court at the same time did declare it to be Law, That any Member of the said Company might send out a Ship to the said Islands, to fetch home his own concerns. Witness he said so, is Mr. *Nathaniel Smith*, and Mr. *William Righton* then present in Court, and now present also to witness the same before the House of Parliament.

LXVIII. THE said Company accused the said Mr. *Trott* before the Committee of Parliament, that he received of Captain *Robert Smith*, Commander of the Ship *Hopewell* 150 *l. sterling*. It is granted he did, and surely the said Mr. *Trott* deserved it, that covenanted with the said Captain *Smith*, to pay unto him dead freight, for what the said Ship wanted of being full-loaden in the said Islands. So it is evident the said Mr. *Trott* run the hazard of paying dead freight 1000 *l. sterling* for the 150 *l.* Witness to this the said Captain *Smith*, and the Scrivener that saw the Instrument signed and sealed.

XLIX. AND as for His Majesties Letter that was certified by Mr. *Timothy Brigg*, under the hand and seal of his Office, with these words following, ( *And the same being not contrary to the Rules of the said Company* ), not in the Copy. Let the said Mr. *Brigg* answer for his own guilt, in certifying it was a true Copy, when it was not. WHAT doth that ( as is humbly conceived ) concern Mr. *Trott*, who employed him as a Merchant; and the said Mr. *Briggs*, one of His Majesties sworn Publique Notaries, who was at that time ( whatever he is now ) in as much esteem and credit as any Publique Notary was? And withal, the Original Letter was proved before the King in Council, that it was given to the Governour in the Islands, with the Copy; Attested by the said Mr. *Brigg*, not doubting but the Original had agreed with the Copy, *verbatim*; or else it had been a madness to have given the Original with the Copy.

LX. AND the Lord CHANCELLOR before the King then in Council ( like an Honourable and just person ) did openly declare that the said Mr. *Trott* could not any ways intend to deceive, seeing his Factor gave the Original Letter with the Copy. Yet for all his Honour so said, yet the said Companies Council would revive the  
said



said Letter again before the Committee of Parliament, *To throw dirt, &c.*

LI. BUT it is humbly conceived, and hoped, that when the High and Honourable House of Commons, shall take notice of the Companies Actings and Accusations aforesaid, they will see plainly they have taken or learnt *MACHIAVELLS* Counsel, to cast dirt, (for something is hoped will stick) being the best of their proofs, which by the answers and proofs aforesaid, the dirt is rebounded and reflected upon themselves; and surely the Defendants wanted a staff to lean on, seeing they have made use of a Reed that is run into their own hands: But had the said Mr. *Trott* been really guilty of any misdemeanours, (had they known them) it is (without all doubt) supposed they would not have passed them by in their Charge, seeing they have made use of such frivolous things, as they have done, thinking thereby to ingratiate themselves into the good opinion of the House of Commons; and withal that the said Mr. *Trott* could have made no better an Answer, than they have done a Charge.

LII. BUT had the said Mr. *Trott* been really guilty of never so many Crimes, (as many as they would have wished), could his guilt have washed themselves clean from the Charge put in against them into the Parliament House, by more Petitioners than Mr. *Trott*, though the Defendants Council would fain limit it there? It is confessed by all ingenuous men, It is a new way of answering a Charge (not usual) to think by throwing of dirt on other mens faces, the best way to wash clean their one: But it was never thought by wise men, that it would have been so pleaded, and that before a Committee of Parliament, did it not presage it to be the latter end of the exercising of an Arbitrary Power over the Majority of the Owners of all the Lands in the *Somer-Islands*, by the least part of the Owners thereof, who take upon themselves against the true intent and meaning of the Charter, to call themselves the *Somer-Islands-Company*.

LIII. THE aforesaid Writing is principally intended for, and in all humility presented to the Consideration of the High and Honourable, the House of Commons Assembled in Parliament: Humbly craving of them to be relieved from those unheard-of Oppressions, done by so few men.

AND next it is calculated for the pretended *Somer-Islands-Company* in *London*, and all that side with them contrary to Law.

AND also for the Governour Sir *John Heydon* in the *Somer-Islands*, and for all others that are siders with him there contrary to Law; And also for the revolting-Tenants in the said Islands, by the Instigation of the said *Milborne*, and others, to turn Tenants from their  
lawfull



lawful Landlords to other men, contrary to Law. And also, to the end that the said Company, Governour, Tenants, and the said *Milborne*, and all others, that they may see their faces in the Glas of the Laws of *England*, and to judg of themselves what their own Consciences do think they deserve, did they but admit them to speak that OUT which is WITHIN, ( without they be seered with a hot Iron, which God forbid ) and whether they think in good earnest, by what is declared in the aforesaid Narrative, that is all proved, or ready to be proved before the House of Commons, that the Tide will run always under *London-Bridg* one way.

*Signed by* PERIENT TROTT *and*  
WILLIAM RIGHTON, *in the behalf*  
*of themselves and divers others of the Somer-*  
*Islands-Company in London, and the Free-*  
*holders in the Somer-Islands.*

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F I N I S.

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